

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Huntington

Date: 2/3/2020

Case Number 3:19-cr-00080

Case Style: USA vs. Mathew Byrd

Type of hearing Sentencing

Before the honorable: 2514-Chambers

Court Reporter Kathy Swinhart

Courtroom Deputy Terry Justice

Attorney(s) for the Plaintiff or Government Stephanie Taylor

Attorney(s) for the Defendant(s) Lee Booten

Law Clerk Matt Junker

Probation Officer Beth Srednicki

Trial Time

Non-Trial Time

Court Time

10:00 am to 10:22 am

Total Court Time: 0 Hours 22 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Hearing scheduled to commence: 10:00 am

Hearing commenced: 10:00 am

Defendant appeared in person and with counsel pursuant to a plea to counts three and five of the indictment.  
Defendant sworn.

Motion of Defendant for Presentence Mental Evaluation. ECF No. 70.

Motion denied.

Motion of Defendant to Continue Sentencing Hearing. ECF No. 71.

Motion denied.

There were no objections to the presentence report and the presentence report was adopted.

Total offense level 21  
criminal history category III

advisory guideline ranges

custody 46 - 57 months as to count three and a consecutive 5 years as to count five

sr 3 years as to count three and 2-5 years as to count five

fine \$15,000 - \$1,000,000

SA \$200

Motion of Defendant for downward variance.

Response of Government/ reply.

Comments of Defendant.

Motion denied.

Custody 46 months as to count three and a consecutive 60 months as to count 5 for a total of 106

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months.

The Court recommended:

that the defendant be housed as close to Parkersburg, WV, as possible;

that the defendant be allowed to participate in a Comprehensive Drug Abuse Treatment Program.

Supervised Release 5 years

special condition of supervised release: the defendant will participate in a program of testing, counseling, and treatment for drug and alcohol abuse as directed by the probation officer.

Pursuant to the preliminary order of forfeiture previously entered in this case, the defendant shall forfeit to the United States any and all property derived from or used to facilitate the distribution of controlled substances, including the 16 items described in the preliminary order of forfeiture.

Special Assessment \$200 due immediately

The special assessment will be paid through participation in the Inmate Financial Responsibility Program.

The defendant was informed of appeal rights.

Motion of United States to dismiss counts one, two, and four; motion granted.

Defendant detained.

Hearing concluded: 10:22 am